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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,850	06/21/2002	Uwe Keller	TROPL 12	2475

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/049,850	KELLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	D. S. Nakarani	1773	

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Use of one or more polyalkylene glycols is a non-statutory subject matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 8 to last line and claim 7, lines 5 to last line, the phrase "a plasticizer mixture, comprising from 30 to 70% by weight ... renders claims indefinite since there is no other component 30 to 70% by weight is specified.

Also in claim 1, line 13<sup>+</sup> and in claim 7, lines 9-10, the Markush group "selected from the group consisting of ---" renders claims indefinite. The proper Markush group is either "selected from the group consisting of --- and --" or "selected from --- or --".

Applicants are requested to delete "--" (dash) in beginning of lines 2, 3, 6, 8, 10, 14, 17, 21, 28 and 34 in claim 1; beginning of lines 4, 6, 10, 15, 17 and 20 in claim 2; and beginning of lines 3, 5, 7, 11, 13, 17, 24 and 30 in claim 7.

Applicants are also requested to change phrase "characterized in that" to the word – wherein – wherever occurs. Since the phrase "characterized in that" is not the part of U.S. Patent language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klang et al (U.S. Patent 5,380,597).

Klang et al disclose a laminate comprising two glass plate bonded together using an interlayer comprising polyvinyl acetal resin and a plasticizer. The plasticizer is a mixture of an aliphatic ester such as claimed in the instant applications (col. 3, lines 10-12 and polyoxyalkylene glycols having number average molecular weight about 250 to about 10,000 preferably from about 250 to 1000 (col. 3, lines 20-42 and lines 55-68). Klang et al suggest use of plasticizer in an amount from 30 to 40 wt% (col. 3, line 10). The Example show a mixture of plasticizer tetraethylene glycol from 16 to 50 wt% and tetraethylene glycol diheptanoate 50 to 84 wt% (Examples 17 and 18). Klang et al do not use polyoxyalkylene glycol in Examples. However in absence of providing criticality of claimed polyoxyalkylene glycol, a person of ordinary skill in the art would have found it obvious to utilize polyoxyalkylene glycol to decrease glass transition temperature by increasing molecular weight as shown by Examples 4 and 6 wherein tripropylene glycol

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reduces glass transition temperature compared to dipropylene glycol at same concentration (Table 1).

No claims are allowed.

7. Receipt of Information Disclosure Statement filed August 12, 2002 is acknowledged.


References JP 7097240 and XP 002158657 have been crossed-out since JP 7097240 to Sekisui Chemical Co. Ltd has not been received and the reference XP002158657 is not the abstract of JP 7097240 (Sekisui Chemical Co. Ltd, Japan) 11 April 1995 but it is an abstract of JP 11106595 (Asahi Denka Kogyo K. K., Japan) 20 April 1999. If applicants are desirous to make these references of record, abstract in English or translation in English with reference and PTOL 1449 should be provided to this Office.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D.S. Nakarani whose telephone number is 703-308-2413. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

D. S. Nakarani/mn  
April 23, 2003

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**